

Mar. 28, 1977

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

KEARSARGE REGIONAL EDUCATION :
ASSOCIATION, Affiliated with NHEA/:
NEA :
and :
KEARSARGE REGIONAL SCHOOL DISTRICT: :
_____ :

CASE NO. T-0238

77-13

APPEARANCES

Representing the Kearsarge Regional School District:

Bradley F. Kidder, Esquire
Gordon B. Flint, Superintendent
Jeffrey Milne, Member Kearsarge Regional School Board
John Sokul, Assistant Superintendent
A. J. Bliss, Member Kearsarge Regional School Board

Representing the Kearsarge Regional Education Association:

Sally Potter, Esquire, Project Director NEA/NHEA
Donald Kessler, UniServ Director
Dave Kraus, KREA
Paula I. Wakelin, KREA President
Eugene Fiset, Past President, KREA

FINDINGS

On January 28, 1976, request for certification of an existing employee representative was filed with PELRB by Barbara J. Yentzer, NHEA/NEA Project Director, on behalf of the Kearsarge Regional Education Association for a bargaining unit of all professional employees of the district excluding administrative personnel.

Accompanying the original request for certification was a request dated January 27, 1976 asking PERLB to appoint a mediator as the KRREA and the School Board had been in negotiations for a contract since December, 1975 and had not reached agreement; and, the School Board declined to select a mutually acceptable mediator.

PELRB advised on March 2, 1976 that in accordance with advice from the attorney, all requests for mediation were being held pending the adoption of the Board's rules and regulations.

On March 15, 1976, Eugene J. Fiset, President of KREA advised the Board that an agreement for the 1976-77 salary schedule had been reached and withdrew their mediation request.

Also on March 15, 1976, Superintendent Gordon B. Flint filed exceptions to the proposed unit and requested further clarification

of "all professional employees, excluding administrative personnel".

On June 22, 1976, Barbara J. Yentzer, on behalf of the Kearsarge Regional Education Association, filed a petition for a representation election for a proposed unit of all professional employees excluding "administrators". Signed authorization cards from over 30 percent of the employees of the school district were enclosed with the petition.

On December 28, 1976, Hearing Officer, Richard H. Cummings, held a conference in the Superintendent's office, Sunapee Street, Newport, New Hampshire to establish ground rules for the upcoming election.

KREA and the representatives from the School District mutually at that time to the exclusion of the Aides, Secretaries, Nurse, Principal, Assistant Principal, Work Study Coordinator, Math Associate, Guidance Director, Social Studies Associate, Physical Education, Reading-Ceta, Speech Therapy and Director of Career Education from the bargaining unit.

Hearing Officer, Richard H. Cummings, ruled on the position in question, as follows:

Included in the unit:

From the New London, Middle School, --
the Guidance Counselor, Media Specialist, Reading Specialist

From the Kearsarge Regional High School, --
Guidance Position

From Special area, --
Elementary Guidance, Media Specialist

Excluded from the unit:

Department Heads, Coordinators, Director of Athletics,
Director of Music

Deferred to full Board hearing:

Reading Specialists/Diagnostician & H.S. Department Chairmen

On January 21, 1977, PELRB held a hearing in Room 306, Legislative Office Building, Concord, New Hampshire and heard evidence from both parties. Both parties were also given an opportunity to submit post hearing briefs within fifteen days.

KREA and representatives from the Public Employer, Kearsarge Regional School District agreed that the positions of coordinators, department heads and directors of athletics and music were essentially the same position.

Board carefully reviewed the oral and written evidence submitted by both parties and found that department chairmen although evidencing a small measure of supervisory authority, they have a preponderance

of community of interest with the teaching staff rather than with management. The same applies to the Director of Music, Director of Athletics and the Reading Specialists/Diagnostician. While they appeared to possess a title leading one to believe they were more closely allied with management, evidence indicated that their basic community of interest and working conditions were definitely more allied with the teaching individuals in the unit.

ORDER

The bargaining unit for the Kearsarge Regional School District shall consist of all full-time teachers, including Department Chairmen and Reading Specialists/Diagnostician. Excluded from the unit: Superintendent, Assistant Superintendent, Principals, Assistant Principals, Work Study Coordinator, Math Associate, Guidance Director, Social Studies Associate, Physical Education Coordinator, Speech Therapist, Director of Career Education, Aides, Secretaries, Nurse and Reading-(Ceta program)



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 28 day of Mar, 1977.